

# Exhibit A



William D. Schultz  
[wschultz@merchantgould.com](mailto:wschultz@merchantgould.com)  
612.336.4677

October 5, 2020

DigitalOcean, LLC  
Attn: Legal  
101 Avenue of the Americas, 10<sup>th</sup> Floor  
New York, NY 10013

VIA EMAIL: [dmca@digitalocean.com](mailto:dmca@digitalocean.com)

**RE: Subpoena to DigitalOcean, LLC**

To Whom It May Concern:

Merchant & Gould P.C. represents Natco Pharma Limited (“Natco”). Pursuant to 17 U.S.C. § 512(c), we hereby provide you with written notice of infringement of copyrights belonging to Natco.

As you know, the Digital Millennium Copyright Act require the following elements for a notification of claimed infringement:

- (i) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
- (ii) Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.
- (iii) Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.
- (iv) Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number,

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and, if available, an electronic mail address at which the complaining party may be contacted.

- (v) A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
- (vi) A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.<sup>1</sup>

We hereby satisfy each of these elements.

First, as you can see from the attached Declaration of Madineedi Adinarayana, Company Secretary and Vice President of Legal and Corporate Affairs of Natco, Merchant & Gould P.C. is authorized to act on behalf of Natco Pharma Limited in connection with Natco's exclusive copyrights that have been infringed. Madineedi Adinarayana's signature appears at the bottom of that Declaration.

Second, Natco's copyrights are set forth in the Madineedi Adinarayana declaration in a table that shows Natco's copyrighted content in a first column followed by the infringing content in a second column. This content relates to photographs owned by Natco. Natco owns this content.

Third, the infringing content appears at the following webpages:

- <https://www.tradeindia.com/Seller-6530100-Natco-Pharma-Ltd-/>
- <https://www.tradeindia.com/fp3395837/Azacitidine.html>
- <https://www.tradeindia.com/fp3395718/Rasburnat.html>
- <https://www.tradeindia.com/fp3395668/Alphalan-Tablets.html>

Further, the website at <https://www.tradeindia.com/Seller-24914124-Natco/product-services.html> appears to be related to the user who is using Natco's information to sell products via the trading site [www.tradeindia.com](http://www.tradeindia.com)

Fourth, the return address of the undersigned in this letter is information reasonably sufficient to permit DigitalOcean, LLC to contact Natco.

Fifth, Natco has contacted the trading site [www.tradeindia.com](http://www.tradeindia.com) to identify the IP addresses associated with the user that goes by the names Mr M. Srikanth and Mr. Ashok. The trading site [www.tradeindia.com](http://www.tradeindia.com) provided the IP addresses 139.59.25.86 and 139.59.17.146 in connection the activity associated with the user.

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<sup>1</sup> 17 U.S. C. § 512(c)(3)(A).

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Sixth, Natco has a good faith belief that use of the material in the manner complained of is not authorized by Natco, its agent or the law. Thus, the continued publication of Natco's content at the foregoing URLs without its authorization constitutes a clear case of copyright infringement.

Seventh, as further detailed in the Declaration of Madineedi Adinarayana, he has stated, under penalty of perjury, that the information provided in his affidavit and this letter is accurate and that he/she is authorized to act on Natco's behalf of its exclusive rights in its copyrights and content.

Accordingly, we hereby request that you act expeditiously to remove, or disable access to, the above-identified infringing material. We also request that you provide the name(s) of the users who accessed the websites identified above.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "William Schultz", is positioned above the printed name.

William Schultz

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

NATCO PHARMA LIMITED,	)	
	)	
Applicant,	)	Civil Action File No.
	)	
v.	)	
	)	
DIGITALOCEAN, LLC	)	
	)	
Respondent.	)	

**DECLARATION OF Madineedi Adinarayana**

I, Madineedi Adinarayana, declare under penalty of perjury as follows:

1. My name is Madineedi Adinarayana. I am over 60 years of age, and if called to testify in Court or other proceeding I could and would give the following testimony, which is based upon my own personal knowledge unless otherwise stated.
2. I am the Company Secretary & Vice President (Legal & Corporate Affairs) at Natco Pharma Limited. I am authorized to act on Natco Pharma Limited's behalf to protect its exclusive rights in its copyrighted content.
3. I have read and attest to the accuracy of the Request for Identity of Infringers Pursuant to 17 U.S.C. §512(h) related to Natco Pharma Limited's request for a subpoena to DigitalOcean, LLC.
4. The law firm Merchant & Gould P.C. is authorized to act on Natco Pharma Limited's behalf with respect to copyright matters, including copyright matters under the Digital Millennium Copyright Act.
5. The purpose for which the subpoena is sought is to obtain the identity



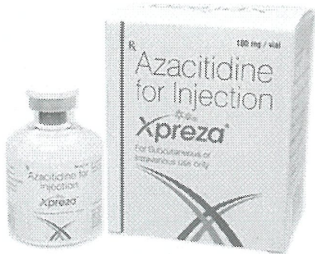
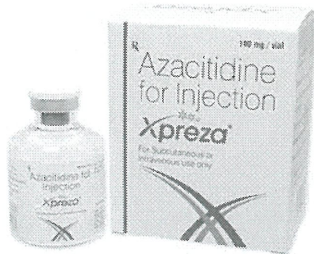
of an alleged infringer and that such information will only be used for the purpose of protecting rights under title 17 of the United States Code.

6. A user of the trading site [www.tradeindia.com](http://www.tradeindia.com) that goes by the names Mr. M. Srikanth and Mr. Ashok and using addresses of Natco House, Road No.2, Banjara Hills, Hyderabad, Telangana, 500034, India and Plot No. 70, Block D, Okhla Industrial Area Phase I, New Delhi 110020 uploaded detailed that infringed on Natco's intellectual property rights.

7. The contact information provided by the alleged Mr. M. Srikanth name is false and the information provided by Mr. Ashok name is not accurate as it is merely a storage depot. The user appears to have created multiple accounts on the trading site [www.tradeindia.com](http://www.tradeindia.com).

8. The user has taken images from Natco's online website and placed those images on the trading site [www.tradeindia.com](http://www.tradeindia.com).

9. Examples of the photographs owned by Natco Pharma Limited and listed on Natco's website are depicted on the left side of the table below. Images taken by the user and listed on the trading site [www.tradeindia.com](http://www.tradeindia.com) are provided on the right side of the table below. URLs indicating the location are included:

Natco Website / Images	Trade India Website / Copies
 <a href="https://www.natcopharma.co.in/wp-content/uploads/2015/02/Xpreza.jpg">https://www.natcopharma.co.in/wp-content/uploads/2015/02/Xpreza.jpg</a>	 <a href="https://tiimg.tistatic.com/fp/1/003/395/xpreza-100mg-727.jpg">https://tiimg.tistatic.com/fp/1/003/395/xpreza-100mg-727.jpg</a>



 <p><a href="https://www.natcopharma.co.in/wp-content/uploads/2015/02/Rasburnat.jpg">https://www.natcopharma.co.in/wp-content/uploads/2015/02/Rasburnat.jpg</a></p>	 <p><a href="https://tiimg.tistatic.com/fp/1/003/395/rasburnat-718.jpg">https://tiimg.tistatic.com/fp/1/003/395/rasburnat-718.jpg</a></p>
 <p><a href="https://www.natcopharma.co.in/wp-content/uploads/2015/02/alphalan.jpg">https://www.natcopharma.co.in/wp-content/uploads/2015/02/alphalan.jpg</a></p>	 <p><a href="https://tiimg.tistatic.com/fp/1/003/395/alphalan-tablets-668.jpg?tr=n-w200">https://tiimg.tistatic.com/fp/1/003/395/alphalan-tablets-668.jpg?tr=n-w200</a></p>

10. The webpages listing the foregoing content include at least the following:

- <https://www.tradeindia.com/Seller-6530100-Natco-Pharma-Ltd-/>
- <https://www.tradeindia.com/fp3395837/Azacitidine.html>
- <https://www.tradeindia.com/fp3395718/Rasburnat.html>
- <https://www.tradeindia.com/fp3395668/Alphalan-Tablets.html>

11. Further, the website at <https://www.tradeindia.com/Seller-24914124-Natco/product-services.html> appears to be related to the user who is using Natco's information to sell products via the trading site [www.tradeindia.com](http://www.tradeindia.com).

12. Natco contacted the trading site [www.tradeindia.com](http://www.tradeindia.com) and learned that the user performed activity via the trading site [www.tradeindia.com](http://www.tradeindia.com) using the IP addresses 139.59.25.86 and 139.59.17.146, which are operated by DigitalOcean, Inc.

Pursuant to 28 U.S.C., Section 1746, I declare under penalty of perjury under the

Laws of the United States of America that the foregoing is true and correct.

Respectfully submitted this 5<sup>th</sup> day of October, 2020.

For NATCO Pharma Limited

/s/

*M. Adinarayana*

M. ADINARAYANA  
Company Secretary &  
Vice President (Legal & Corp Affairs)

